

REMARKS

This Amendment is submitted in response to the Office Action mailed on September 23, 2003. Claims 1-7, 9 and 16-18 have been canceled without prejudice or disclaimer and claim 8 has been amended. Claims 8 and 10-15 remain in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 1, 6, 8-9 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Desanta, U.S. Patent No. 4,792,187. Claims 1-2, 5-6, 8-10, 13-14 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Andreasson, U.S. Patent No. 4,249,774. Claims 1, 5-9 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krebs, U.S. Patent No. 6,320,415 in view of Andreasson. Claims 2-4, 10-12 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krebs and Andreasson and further in view of Ginat, U.S. Patent No. 6,070,937. Claims 2-4, 10-12 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Desanta in view of Ginat. Lastly, claims 3-4, 11-12 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Andreasson. While Applicants respectfully traverse these rejections, Applicants have amended independent claim 8 to more sharply define the present invention over the prior art of record and respectfully

request that the rejections be withdrawn. Claims 1-7, 9 and 16-18 have been canceled so that the rejections of these claims are now moot.

In particular, Applicants have amended independent claim 8 to further define the chair as a "patient examination and treatment chair" which is operable to move between a generally upright patient entry/exit position and a reclined position to support the patient for examination and treatment. Claim 8 has further been amended to recite that the pair of arm rests are connected to the back section for movement with the back section between the generally upright position wherein the arm rests are automatically positioned to allow a patient unobstructed entry into or exit from "a side of" the chair and the reclined position to support the patient for examination and treatment wherein the arm rests are automatically positioned to support the patient's arm.

This claimed structure and function of Applicants' patient examination and treatment chair provides a significant advantage which is not taught or suggested by the prior art of record. In particular, the examination and treatment chair of the present invention provides a patient with unobstructed entry into or exit from the side of the chair in the generally upright patient entry/exit position, and a natural, relaxed and comfortable support in the reclined patient examination and treatment position. The patient examination and treatment chair of the present invention, therefore, does not require the arm rests to be temporarily removed or to be pivoted out of the way to allow a patient to enter and exit the chair from the side which is oftentimes difficult for handicapped and elderly patients. Support for

this amendment is clearly provided by the figures which show the automatic positioning of the arm rests to allow a patient unobstructed entry into or exit from the side of the chair and automatic positioning of the arm rests to support the patient's arms when the chair is moved to the reclined position to support the patient for examination and treatment.

With respect to the rejection of independent claim 8 as being anticipated by Desanta, Applicants submit that the chair of Desanta is not a patient examination and treatment chair as now claimed by Applicants. Moreover, the arm rests of Desanta are not automatically positioned to allow unobstructed entry into or exit from the side of the chair as now claimed. Accordingly, Applicants respectfully submit that the rejection of independent 8 is being anticipated by Desanta should be withdrawn.

With respect to the rejection of independent claim 8 as being anticipated by Andreasson, Applicants respectfully submit that the rejection must fail for substantially the same reasons as set forth above with respect to Desanta. The chair of Andreasson is not a patient examination and treatment chair which is operable to move between a generally upright patient entry/exit position and a reclined patient examination and treatment position as claimed. Moreover, the arm rests of Andreasson are not automatically positioned to allow a patient unobstructed entry into or exit from a side of the chair as recited in amended independent claim 8. Therefore, Applicants submit that the rejection of

independent claim 8 as being anticipated by Andreasson should be withdrawn as well.

Krebs discloses a dental chair having pivotal arm rests which may be moved to a location that does not interfere with movement of the patient into and out of the dental chair and so does not teach or suggest the recited structure and function of Applicants' examination and treatment chair as now claimed which automatically positions the arm rests to allow a patient unobstructed entry into or exit from a side of the chair (see Column 8, lines 35-41). Applicants submit that while there is no teaching or suggestion to modify the arm rests of Krebs with the arm rests of Andreasson, that hypothetical combination would still fail to achieve Applicants' claimed invention as such modification of the Krebs' dental chair would still have arm rests which obstruct a patient's entry into or exit from a side of the chair. Accordingly, Applicants submit that the rejection of independent claim 8 as being unpatentable over Krebs and Andreasson should be withdrawn.

With respect to the rejection of independent claim 8 as being unpatentable over Krebs and Andreasson, and further in view of Ginat, Applicants submit that this rejection must fail for the same reasons as set forth above and the rejection should be withdrawn.

Lastly, with respect to the rejection of independent claim 8 as being unpatentable over Desanta in view of Ginat, Applicants respectfully submit that the rejection should be withdrawn for the reasons set forth above.

Moreover, as claims 10-15 depend from allowable independent claim 8, and further as each of these claims recites a combination of elements not taught or suggested by the prior art record, Applicants submit that these claims are allowable as well.


Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submit d,

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